

Application No. 10/053,720

Amendment dated December 15, 2003

Reply to Final Office Action mailed on September 15, 2003

### **REMARKS/ARGUMENTS**

A Final Office Action was mailed on September 15, 2003. On November 19, 2003, Applicant file an Amendment but it was not entered because no fee was paid. was not entered because it raised new issues that would require further consideration and/or search. Applicant is now filing this Amendment concurrently with the filing of a Request for Continued Examination and the payment of the appropriate filing fee in the amount of \$385.00. The filing fee is being paid by credit card as evidenced by the accompanying credit card payment form. Response is hereby made to the Final Office Action mailed on September 15, 2003. Claims 1, 5, 6 and 12 are amended. Claims 16-20 are cancelled and new claims 21 through 24 are added.

#### **Rejection under 35 U.S.C. 102(b)**

Claims 1, 3-11 and 14 were rejected under 35 U.S.C. 102(b) as being anticipated by Downerd (US '805). Claims 1-7 were rejected under 35 U.S.C. 102(b) as being anticipated by Singer (US '980).

Claims 1, 2, 4-7 and 14-15 were rejected under 35 U.S.C. 102(b) as being anticipated by Carlson (US '733).

Applicant has amended claim 1 to overcome the rejection and to further clarify the invention and to distinguish it over the cited references. More particularly, claim 1 was amended to indicate that the rotatable screen is positioned in the passageway of the separator to screen the axially flowing material and to centrifugally direct the screened out material to the first outlet as the rotatable screen rotates. Nothing in the cited references teaches, discloses or suggests inter alia such elements. In all of the cited references the screen is a rotating cylindrical element having radial holes in the

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New claims 21-23 should be allowable because they are depended on allowable claim 12.

Further they should be allowable because nothing in the cited references teaches, discloses or suggests inter alia the elements of those claims.

**Benefit under 35 U.S.C. 119(e)**

Applicant claimed the benefit under 35 U.S.C. 119(e) of the United States provisional application number 60/262546 filed on January 17, 2001. The Examiner did not acknowledge that benefit. Applicant respectfully requests acknowledgment of that claim.

In view of the foregoing, Applicant respectfully submits that the application is in condition for allowance and that a timely Notice of Allowance be issued in this case. The Examiner is invited to telephone the undersigned at the telephone number listed below if it would in any way advance prosecution of this case.

Respectfully submitted,

Dated: DECEMBER 15, 2003

By:



Anastassios Trianaphyllis  
Reg. No. 31,576

TRIANTAPHYLLOS LAW FIRM  
P. O. Box 27629  
Houston, Texas 77227  
(713) 520-8551

Sent By: Trianaphyllis Law Firm;



713-520-8991;

Dec-15-03 3:32PM;

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**Remarks and Arguments begin on page 9 of this paper**